

ENTERED

March 05, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JERRY PEREZ JR,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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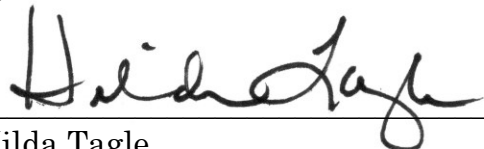
CIVIL NO. 1:13-CV-67

ORDER

The Court has before it Petitioner's amended habeas petition (Dkt. No. 53), the Magistrate Judge's January 16, 2018, Report and Recommendation ("R&R") (Dkt. No. 80), and Petitioner's objections to the R&R (Dkt. No. 83). After an independent review of the record and applicable law, the Court **ADOPTS IN PART** the January 16, 2018, R&R, as to all issues except a Certificate of Appealability, and **DISMISSES** Petitioner's amended habeas petition (Dkt. No. 53) as time-barred. Final Judgment will be entered separately.

The Court **DECLINES TO ADOPT IN PART** the R&R insofar as it recommends that the Court order more briefing on whether a Certificate of Appealability should issue. The Court does not order further briefing at this time. Although Petitioner makes passing references in his brief to a Certificate of Appealability, he does not make a formal request and the Court will not rule on the issue *sua sponte*. See Dkt. No. 79 at 3. The Court will consider any proper request for a Certificate of Appealability and may order additional briefing at that time.

SIGNED this 5th day of March, 2018.



Hilda Tagle
Senior United States District Judge